

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 7/1/13**

**BY EMAIL**

Hon. Katherine B. Forrest  
 United States District Court  
 Southern District of New York  
 500 Pearl Street, Room 730  
 New York, NY 10007  
 ForrestNYSDChambers@nysd.uscourts.gov

**Allen & Overy LLP**  
 1221 Avenue of the Americas  
 New York NY 10020

Tel	212 610 6300
Fax	212 610 6399
Direct line	212 756 1125
pamela.chepiga@allenover.com	

June 28, 2013

**Re: SEC v. Fabrice Tourre, Case No. 10-cv-3229 (KBF)**

Dear Judge Forrest:

Together with the Law Office of John P. Coffey, we represent Defendant Fabrice Tourre in the above-referenced litigation.

We write further to Your Honor's Order of June 26, 2013 denying Keith Gorman's motion to quash the subpoena for his trial testimony that was validly issued and served on November 19, 2012. This Court expressly held that "[g]iven Mr. Gorman's role at ACA and ACA's role in the core events in this lawsuit, his attendance at trial is in the interests of justice" and held further that the "factors for issuance of a subpoena pursuant to 28 U.S.C. § 1783 have been met." See Dkt. No. 361 at 4.

On June 28, 2013, counsel for Mr. Tourre had a telephonic conference with counsel for Mr. Gorman. Counsel for Mr. Tourre confirmed that he would be willing to cover Mr. Gorman's travel costs and the cost of reasonable accommodations, and inquired whether Mr. Gorman would voluntarily appear at trial or if Mr. Tourre would need to proceed with issuance of a subpoena pursuant to 28 U.S.C. Section 1783. Counsel for Mr. Gorman stated that Mr. Gorman had not yet decided whether to appear voluntarily and that they had not yet determined whether they would accept service of a subpoena under 28 U.S.C. Section 1783.

Accordingly, to protect his rights and to ensure that Mr. Gorman appears at trial, Mr. Tourre now respectfully seeks an order directing the issuance of a subpoena pursuant to 28 U.S.C. Section 1783 commanding Mr. Gorman to appear at trial, and an order directing counsel for Mr. Gorman to accept service of the subpoena. We have attached hereto a proposed order and draft subpoena for Your Honor's consideration.

Allen & Overy LLP is a limited liability partnership registered in England and Wales with registered number OC306763. It is authorized and regulated by the Solicitors Regulation Authority of England and Wales. Allen & Overy LLP is a multi-jurisdictional law firm with lawyers admitted to practise in a variety of jurisdictions. A list of the members of Allen & Overy LLP and their professional qualifications is open to inspection at its registered office, One Bishops Square, London, E1 6AD and at the above address. The term partner is used to refer to a member of Allen & Overy LLP or an employee or consultant with equivalent standing and qualifications.

Allen & Overy LLP or an affiliated undertaking has an office in each of: Abu Dhabi, Amsterdam, Antwerp, Athens, Bangkok, Beijing, Belfast, Bratislava, Brussels, Bucharest (associated office), Budapest, Casablanca, Doha, Dubai, Düsseldorf, Frankfurt, Hamburg, Hanoi, Ho Chi Minh City, Hong Kong, Istanbul, Jakarta (associated office), London, Luxembourg, Madrid, Mannheim, Milan, Moscow, Munich, New York, Paris, Perth, Prague, Riyadh (associated office), Rome, São Paulo, Shanghai, Singapore, Sydney, Tokyo, Warsaw and Washington, D.C.

Respectfully submitted,



Pamela Rogers Chepiga

Encl.

Copies via email (w/ encl.) to:

John P. Coffey

Trevor J. Welch, Kasowitz, Benson, Torres & Friedman, LLP  
Kara F. Headley, Kasowitz, Benson, Torres & Friedman, LLP

Matthew T. Martens, SEC  
Richard E. Simpson, SEC  
Christian D.H. Schultz, SEC  
Bridget Fitzpatrick, SEC